

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| Application of:                  | ) |                            |
|                                  | ) | Attorney Docket No.        |
| HORVATH, STEVEN                  | ) | 702.286                    |
|                                  | ) |                            |
| Serial No.: 10/033,299           | ) | Group Art Unit No. 2612    |
|                                  | ) |                            |
| Filed: October 25, 2001          | ) |                            |
|                                  | ) | Examiner: Swarthout, Brent |
| PILOT-PROGRAMMABLE ALTITUDE      | ) |                            |
| RANGE FILTER FOR COCKPIT TRAFFIC | ) |                            |
| DISPLAY                          | ) |                            |

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37**  
**CFR §1.181(a)**

The above-referenced patent application became abandoned on September 13, 2007, for failing to reply to a March 13, 2007, non-final Office Action. As is discussed below, the March 13, 2007, Office Action was mailed to the wrong address—i.e., an address different than that indicated on Applicant's September 22, 2003 change of correspondence address and power of attorney forms. As such, Applicant respectfully requests that any holding of abandonment be withdrawn and that the enclosed Amendment be entered.

The showing required by MPEP § 711.03(c) and *Delgar v. Schulyer* is satisfied by information accessible through the USPTO PAIR system. PAIR shows that the USPTO received Applicant's September 22, 2003, change of correspondence address and power of attorney forms. The images corresponding to both forms indicate their reception by OIPE and TC 2100 and show Applicant's correspondence address as Garmin International, Inc. in Olathe, Kansas.

PAIR also shows that the March 13, 2007, Office Action was mailed to Alston & Bird LLP in Charlotte, North Carolina. Alston & Bird no longer represents Garmin in this application and the March 13, 2007, Office Action was not forwarded by Alston & Bird to Applicant's mailing address. In October 2007, Applicant discovered the issuance of the March 13, 2007, Office Action by checking Public PAIR.

The undersigned hereby attests to the fact that the March 13, 2007, Office Action was not received by Applicant or its legal department and that a search of Applicant's file jacket and docket records indicates that the Office communication was not received. After discovering the March 13,

2007, Office Action in October, Applicant did download the Action and prepare a response (which is filed concurrently herewith).

Applicant submits that *Delgar v. Schulyer* and MPEP § 711.03(c) do not require it to perform a burdensome collection of its docketing records for submission to the Office where it is clear from the Office's own public records that the Office Action was mailed to the wrong address.

Applicant's Petition is timely as it is filed within two months of the date of abandonment of the above-referenced application and before the mailing of any Notice of Abandonment. An updated power of attorney also accompanies this Petition.

Should any questions remain, please contact the undersigned. No fee is due in connection with this Petition. However, any fee which should be due in connection with this Petition can be applied against our Deposit Account No. 501-791.

Respectfully submitted,

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